

GOVERNMENT OF TELANGANA  
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Smt. Veerapuneni Anasuya Devi W/o Gopalakrishna R/o Rahulgandhi Nagar, New Paloncha, Erstwhile Khammam District aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A. No.98/2003 dated 28.06.2008 - Rejected - Orders - Issued.

---

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 46

Dated: 12-10-2018,  
Read the following:-

- 1) Review Petition filed by Smt. Veerapuneni Anasuya Devi W/o Gopalakrishna R/o Rahulgandhi Nagar, New Paloncha, erstwhile Khammam District, dated 15.11.2008.
- 2) Govt. Memo. No. 11148/LTR.2/2008, dated 31.12.2008
- 3) From the Additional Agent to Government, Bhadrachalam Lr. No. 11148/LTR.2/2008 (CMA. No. 98/2003), Dt. 26.02.2010.

-0o0-

ORDER

In the reference 1<sup>st</sup> read above, Smt. Veerapuneni Anasuya Devi W/o Gopalakrishna R/o Rahulgandhi Nagar, New Paloncha, Khammam District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in C.M.A. No.98/2003 dated 28.06.2008 in respect of land in Survey No. 241 to an extent of Acres: 5.00 gts situated at Sompalli (V) Burgampad (M), Erstwhile Khammam District.

2. In the reference 2<sup>nd</sup> read above, while enclosing a copy of the Revision Petition, the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and in the reference 3<sup>rd</sup> read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- The orders under Revision are contrary to law and probabilities of the case.
- Both the authorities failed to appreciate that the ingredients of Section (3) of Regulation 1 of 1959 as amended 1 of 1970 is not attracted. The said aspect is lost cited by both the Authorities ejecting the petitioner from the suit schedule lands resulted with miscarriage of justice, on this ground alone, the above revision may be allowed.
- The orders under revision of both the authorities are passed without application of mind and by passing a non-speaking orders resulted with miscarriage of justice, since there is no transaction of transfer of immovable property, as required under the regulation in question. Hence, both the orders are liable to be set-aside in the interest of justice.
- Both the authorities went on in a wrong appreciation that the orders passed by the Mandal Revenue Officer under Rights Of Rule Act is valid or not, the authorities are not competent under the Regulation 1/1970 to decide the validity of the order of the Mandal Revenue Officer. On the other hand, the Additional Agent to Government, Bhadrachalam, & the Agency Divisional Officer, Bhadrachalam, are having to initiate the proceedings under Land Transfer Regulation only in contravention of the Land Transfer Regulation. In the present case in hand, there is no such contravention of the Land Transfer Regulation provisions, on the other hand the case in the transaction is much prior to 1968 as the question of initiation of the proceedings under Regulation 1/70 does not arise. The said aspect is lost cited by both the authorities, resulted miscarriage of justice, on this ground alone, the above revision is liable to be allowed.

[p.t.o]

- The impugned orders passed by the Additional Agent to Government, Bhadrachalam, & the Agency Divisional Officer, Bhadrachalam, under revision passed behind the back of the appellant, without giving any opportunity in violation of principles of natural justice, Since the appellate rights guaranteed under Article 14,19,21 and 300-A of the Constitution of India, over the land in question. Hence, the entire action of the Additional Agent to Government, Bhadrachalam, & the Agency Divisional Officer, Bhadrachalam, is opposed to the above Articles. Hence, the entire impugned orders are liable to be set-aside.
  - The appellant herein reserve her right to raise additional grounds if necessary, after obtaining the leave from this Hon'ble Authority.
  - The lower authorities failed to appreciate the factual situation that the appellant is in continuous possession and enjoyment of the schedule lands in question by raising agricultural crops, all these decades, without any break, but the lower appellate authority surprisingly saying that the Mandal Revenue Officer, Burgampadu, has already delivered possession in favour of Sri J.Hachiya S/o Badri(5<sup>th</sup> Respondent). In fact, the Mandal Revenue Officer, Burgampadu never delivered the possession to Sri J.Hachiya S/o Badri, the said aspect is also lost cited by the lower authorities as on today, the original order of the Agency Divisional Officer, Bhadrachalam is not implemented since the petitioner is in continuous possession and enjoyment of the land in question by raising agricultural crops, all these years, this Hon'ble Authority may be leased to grant interim directions, in favour of the petitioner since the balance of convenience is in favour of the appellant.
4. The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:
- The Additional Agent to Government, Bhadrachalam & the Agency Divisional Officer, Bhadrachalam herein after due enquiry passed orders. Before the Agency Divisional Officer, Bhadrachalam, the Revision Petitioner not attended the Court. Before the Additional Agent to Government, Bhadrachalam she filed certain documents along with appeal. The Revision Petitioner's case is that the schedule land was purchased on 05-03-1968 through an agreement of sale from one Bathula Narasaiah who is the father of the (4<sup>th</sup> Respondent) i.e B.Muttaiah. The alleged sale is not valid in the eye of Law as it is unregistered one. It is further submitted that the schedule land is situated in the Schedule area and all the transactions with regard to immovable property after commencement of Regulation are void. If the Revision Petitioner really purchased the land in the year 1968 her name would have been recorded in the Revenue records. The Revision Petitioner failed to file pahani copies for the year of alleged purchase to show that she is in possession of schedule land.
  - It is not correct to say that there is no transfer of land contrary to the Regulation. It is already submitted that the Revision Petitioner herein not attended before the Agency Divisional Officer, Bhadrachalam. Later with the directions of Hon'ble High Court the Revision Petitioner filed a CMA No.2/2003 before the Agent to Government, Khammam with all documents and later it has been transferred to the Additional Agent to Government, Bhadrachalam and renumbered it as 98/2003. The Additional Agent to Government, Bhadrachalam after perusal of the documents filed by the Revision Petitioner and after elaborate discussions passed orders dismissed the appeal.
  - It is not correct to say the authorities are not competent under the Regulation 1/70 to decide the validity of the Rights of Rule pass books. The Rights of Rule is a procedure law, but it is not a substantial law. The

Revenue authorities while issuing pattadar pass books must verify whether the sale transaction has taken prior to the regulation or not. If genuine then only the sale has to be regularized and the Pattadar Pass Book should be issued. But in this case the authorities without observing the Land Transfer Regulations and issued pass book even though the Schedule and is situated in the Schedule Area, simply basing on the unregistered sale agreement the Mandal Revenue Officer cannot issue pattadar pass books and title deed under Rights of Rule Act in the Agency Area.

- The Revision Petitioner filed the appeal through an Advocate and documents filed by the Revision Petitioner herein were discussed in the said order elaborately, clearly establishes that sufficient opportunity was given to the Revision Petitioner and orders were not passed behind her back.
- The Revision Petitioner failed to establish her possession prior to the commencement to Regulation. The schedule land was already handed over to the 5<sup>th</sup> respondent i.e J.Hatchiya, S/o Badri herein by the Mandal Revenue Officer, Burgampahad vide proceedings No.B/2917/2001, dt:24-07-2002 on 01-08-2002 under cover of panchanama. In total the Revision Petitioner failed to substantiate her claim.
- In view of the above that the orders passed by the Additional Agent to Government, Bhadrachalam and the Agency Divisional Officer, Bhadrachalam herein are proper and legally valid and in according with the provisions of AP Scheduled Areas Land Transfer Regulation 1/59 amended by 1/70.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petition is filed against the order of Additional Agent to Government Bhadrachalam in C.M.A. No.98/2003 dated 28.06.2008. Revision Petitioner Smt V.Anasuya Devi claims that she has purchased the land from Sri Bathula Narsaiah through a sada sale deed dt 5.3.1968. Sada sale deed is not valid. Further the land in question is assigned by Government to a tribe by name J.Hachiya.

6. Government after careful examination of the matter hereby rejects the Revision Petition filed by Smt. Veerapuneni Anasuya Devi W/o Gopalakrishna R/o Rahulgandhi Nagar, New Paloncha, Erstwhile Khammam District and upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in C.M.A. No.98/2003 dated 28.06.2008 in respect of land in Survey No. 241 to an extent of Acres: 5.00 gts situated at Sompalli (V) Burgampad (M), erstwhile Khammam District.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3<sup>rd</sup> read above are returned herewith to the Project Officer, ITDA, Bhadrachalam, Bhadradri Kothagudem District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,  
SECRETARY TO GOVERNMENT

To

Smt. Veerapuneni Anasuya Devi W/o Gopalakrishna R/o Rahulgandhi Nagar,  
New Paloncha,erstwhile Khammam District.

Sri Bathula Muttaiah, S/o Narsaiah,  
R/o Gandragodlapalli (Sompalli), Muramballi  
G.P. Burgampadu Mandal, erstwhile Khammam District.

[Contd....4]

::4::

Sri J.Hachiya S/o Badri,  
R/o Anjanapuram, Burgampad Mandal, Erstwhile Khammam District.  
The Project Officer, ITDA and Additional Agent to Government,  
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

Copy to :

The Government Pleader for Social Welfare, High Court Buildings, Hyderabad.  
The Agency Divisional Officer, Bhadrachalam, Khammam District.  
for information and necessary action.

The Mandal Revenue Officer, Burgampadu, Khammam District.

Sri Y.Pulla Rao, Advocate H.No.9-56 Lalitha Nagar,  
Behind Saibaba Temple, Dilsukhnagar, Hyderabad- 500 060.(9441864090).

Shaik Karimulla, Advocate, (Counsel for Respondent),  
10-01-896, A.C. Guards, Kairathabad (9701454046)

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER